

**Introduced by Senator Anderson**

February 24, 2012

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An act to amend Section 31700 of the Penal Code, relating to handguns.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1422, as introduced, Anderson. Handguns: handgun safety certificate: exemptions.

Existing law prohibits any person, with exceptions, from purchasing or receiving any handgun, except an antique firearm, without a valid handgun safety certificate, or to sell, deliver, loan, or transfer any handgun, except an antique firearm, to any person who does not have a valid handgun safety certificate. Existing law exempts certain persons from the requirement of having a handgun safety certificate, including active or honorably retired members of the United States Armed Forces, the National Guard, the Air National Guard, and the active reserve components of the United States, where individuals in those organizations are properly identified.

This bill would similarly exempt an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States who was honorably discharged within an unspecified number of years, and where the individual is properly identified as having been honorably discharged within an unspecified number of years, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 31700 of the Penal Code is amended to read:

31700. (a) The following persons, properly identified, are exempted from the handgun safety certificate requirement in subdivision (a) of Section 31615:

(1) Any active or honorably retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Any active or honorably retired federal officer or law enforcement agent.

(3) Any reserve peace officer, as defined in Section 832.6.

(4) Any person who has successfully completed the course of training specified in Section 832.

(5) A firearms dealer licensed pursuant to Sections 26700 to 26915, inclusive, who is acting in the course and scope of that person's activities as a person licensed pursuant to Sections 26700 to 26915, inclusive.

(6) A federally licensed collector who is acquiring or being loaned a handgun that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, who has a current certificate of eligibility issued by the department pursuant to Section 26710.

(7) A person to whom a handgun is being returned, where the person receiving the firearm is the owner of the firearm.

(8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.

(9) Any individual who has a valid concealed weapons permit issued pursuant to Chapter 4 (commencing with Section 26150) of Division 5.

(10) An active, or honorably retired member of the United States Armed Forces, the National Guard, the Air National Guard, the active reserve components of the United States, where individuals in those organizations are properly identified. For purposes of this section, proper identification includes the Armed Forces Identification Card, or other written documentation certifying that the individual is an active or honorably retired member.

(11) *An honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or*

1 *the active reserve components of the United States, where that*  
2 *individual has been discharged within the last \_\_\_\_ years, and*  
3 *where the individual is properly identified as having been*  
4 *honorably discharged within the last \_\_\_\_ years. For purposes of*  
5 *this section, proper identification includes written documentation*  
6 *certifying that the individual is an honorably discharged member*  
7 *within the last \_\_\_\_ years.*

8 ~~(11)~~

9 (12) Any person who is authorized to carry loaded firearms  
10 pursuant to Section 26025 or 26030.

11 ~~(12)~~

12 (13) Persons who are the holders of a special weapons permit  
13 issued by the department pursuant to Section 32650 or 33300,  
14 pursuant to Article 3 (commencing with Section 18900) of Chapter  
15 1 of Division 5 of Title 2, or pursuant to Article 4 (commencing  
16 with Section 32700) of Chapter 6 of this division.

17 (b) The following persons who take title or possession of a  
18 handgun by operation of law in a representative capacity, until or  
19 unless they transfer title ownership of the handgun to themselves  
20 in a personal capacity, are exempted from the handgun safety  
21 certificate requirement in subdivision (a) of Section 31615:

22 (1) The executor or administrator of an estate.

23 (2) A secured creditor or an agent or employee thereof when  
24 the firearms are possessed as collateral for, or as a result of, or an  
25 agent or employee thereof when the firearms are possessed as  
26 collateral for, or as a result of, a default under a security agreement  
27 under the Commercial Code.

28 (3) A levying officer, as defined in Section 481.140, 511.060,  
29 or 680.260 of the Code of Civil Procedure.

30 (4) A receiver performing the functions of a receiver.

31 (5) A trustee in bankruptcy performing the duties of a trustee.

32 (6) An assignee for the benefit of creditors performing the  
33 functions of an assignee.